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ABSTRACT

In 2001, a decision by the New York State Supreme Court in a landmark school funding case, Campaign for Fiscal Equity (CFE), Inc. v. State of New York, declared the current New York state funding system unconstitutional and ordered the legislature to replace it with a new cost-based system that ensures that every school district has sufficient resources to provide the opportunity for a sound basic education for all students. Teacher quality has been recognized by educators and by this court decision as a vital component of a sound basic education. This volume reviews some evidence related to the importance of teacher quality and explores the quality of teachers in New York state and New York City. The teacher quality problem is particularly acute in New York City, where, in spite of the presence of some excellent teachers, there are many teachers who are ill prepared and inexperienced. Some of the worst teachers in the state are in New York City, and poor and minority students in New York City and other poor parts of the state receive the worst teachers. Recruiting and retaining quality teachers will require more resources, especially with regard to teacher salary, or the city's problems attracting qualified teachers are likely to worsen. The CFE v. State decision confirmed that research supports the conclusion that the dismal student performance in New York City and high-need areas around the state is in part attributable to the lack of access to qualified teachers. (Contains 50 footnotes.) (SLD)

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CFE

CAMPAIGN FOR FISCAL EQUITY, INC.

In Evidence:

Policy Reports from the CFE Trial

TEACHER QUALITY MATTERS

Volume 4

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PREFACE

On January 10, 2001, Justice Leland DeGrasse of the New York State Supreme Court issued an unambiguous decision in the landmark school-funding case, *Campaign for Fiscal Equity (CFE), Inc. v. State of New York,* handing a major victory to CFE and millions of public school children in New York City and around the state. Justice DeGrasse declared the current state school funding system unconstitutional and ordered the legislature replace it with a new cost-based system that ensures that every school in the state has sufficient resources to provide the opportunity for a sound basic education to all its students.

CFE's historic lawsuit was first filed eight years ago. It charges that, for years, the state has underfunded the New York City public schools, and, as a result, denied city students their constitutional right to a sound basic education—an education that should provide them with the knowledge and skills needed to become productive adults and good citizens. The trial in this case lasted seven months. It brought together testimony from top education experts from New York and around the country, evidence from cutting-edge research on the entire range of relevant education issues, as well as exhaustive legal research on similar cases elsewhere in the nation.

Justice DeGrasse based his decision on evidence put forth at trial from comprehensive research on a wide variety of education issues conducted by CFE and Simpson Thacher and Bartlett, the Manhattan law firm that served as *pro bono* co-counsel in the case. To make these valuable resources available to the public—to educators, policymakers, parents, and researchers—to inform future school reform efforts, this series summarizes the probative testimony and research evidence presented at the trial. Each report in the series takes on a different aspect of education reform covered in *CFE v. State*.

This report, **Teacher Quality Matters,** the fourth in the series, was compiled by Jessica Wolff, CFE's Director of Policy Development, and describes the extensive evidence that supports investing in teacher quality to ensure student learning. We release it just as New York City is about to welcome a new mayor. It will be his job to establish the city's priorities in important and difficult times. The evidence presented in this report clearly shows that there can be no higher priority for any city's future than attracting, supporting, and retaining qualified teachers. In the months and years ahead, crucial decisions affecting our futures will likely be faced not just by Mayor Bloomberg but also by the citizens of our city and our nation. Now more than ever we must remember Franklin D. Roosevelt's words, "Democracy cannot succeed unless those who express their choice are prepared to choose wisely. The real safeguard of democracy, therefore, is education."

Michael A. Rebell
Executive Director and Counsel

In Evidence:

Policy Reports from the CFE Trial

TEACHER QUALITY MATTERS

TABLE OF CONTENTS

Introduction	iii
Teacher Quality Greatly Affects Student Achievement	1
New York City Schools Employ Many Unqualified Teachers	8
Poor and Minority Students Receive the Worst Teachers	14
Recruiting and Retaining Quality Teachers Requires More Resources	16
City Schools Lack Adequate Professional Development	23
Conclusion	29

INTRODUCTION

In 1993, the Campaign for Fiscal Equity, Inc. (CFE), a coalition of advocacy groups, school boards, and community organizations, filed suit in the New York State Supreme Court charging that the state's system for financing schools denies students in New York City the opportunity for a sound basic education. Though the State sought to have the case dismissed, Court of Appeals upheld CFE's right to pursue a constitutional challenge to the state's education finance system.

That 1995 decision clarified what should be resolved at trial. The first task set by the Court was to define a sound basic education—the educational standard to which the state should be held. The next, to prove that the state fails to provide resources adequate to offer all students the opportunity to reach that basic level of education. The Court of Appeals directed the trial court to evaluate whether New York City students are receiving a sound basic education by examining both inputs—resources available in the schools, and outputs—measures of student achievement. The Court of Appeals provided a template for defining the state's responsibilities here: "children are . . . entitled to minimally adequate teaching of reasonably up-to-date basic curricula such as reading, writing, mathematics, science, and social studies, by sufficient personnel adequately trained to teach those subject areas." [1]

Once in court, CFE presented a case involving dozens of expert witnesses and thousands of pages of research evidence during a seven-month long trial that ended in July 2000. In January 2001, Justice Leland DeGrasse handed down his decision in the case of *Campaign for Fiscal Equity v. the State of New York*. In an historic ruling, he held that "the education provided New York City students is so deficient that it falls below

[1] *CFE v. State*, 86 N.Y.2d 307, 655 N.E.2d 661, 631 N.Y.S.2d 565 June 15, 1995.

the constitutional floor set by the Education Article of the New York State Constitution"; he also ruled that "the State school funding system has an adverse and disparate impact on minority public school children"[2]

Justice DeGrasse cited ample evidence to support his ruling that the state's current finance system does not deliver enough resources to meet the needs of providing all New York's students the opportunity to reach the constitutional standard. Among the absolute necessities that schools lack, Justice DeGrasse concluded, is a sufficient number of qualified teachers.

It will hardly come as news that New York City's public schools lack enough qualified teachers to ensure their students a sound basic education. The magnitude of the city's problem has become clear to most observers as dismal teacher-qualification statistics circulate, vacancies requiring certified teachers go unfilled, and teachers' union contract-negotiation rhetoric on both sides heats up. Though most of the evidence and testimony in this report refer to New York City teachers, New York's teacher quality problem is not limited to the city. High-need areas around the state have teacher quality, recruitment, and retention problems similar to those documented here—and equally urgent need to have them solved at the state level.

As Justice DeGrasse notes, extensive evidence at the CFE trial established that the quality of the teachers in a school system, as assessed by objective criteria, directly affects the quality of the educational opportunity offered to the students. State education department officials, New York City Board of Education superintendents and administrators, as well as experts testifying on behalf of both CFE and the State resoundingly agreed that good teaching matters.

[2] *CFE v. State*, 719 N.Y.S. 2d 475 (Supreme Court, New York County, January 9, 2001).

Agreed-upon criteria used to measure teacher quality include certification status, certification examination scores, years of experience, the quality of the undergraduate institution attended by a teacher, and the percentage of teachers with at least a master's degree. When examined alone and when compared with teachers elsewhere in New York State, according to the above criteria, the New York City public school system does not have a sufficient number of qualified teachers for its students. Moreover, the least qualified teachers are teaching the most needy New York City students.

As expert witnesses testified at trial, New York City's inability to hire qualified teachers is a direct result of a pay scale that limits teacher salaries to an amount significantly below the salaries offered to teachers in the suburban districts with which New York City competes. New York City's larger class sizes and inferior working conditions further make it impossible to attract enough qualified teachers. New state requirements will soon make it more difficult for teachers to become certified—at a time when the city is anticipating losing a large number of its most experienced teachers to retirement. Available evidence—including the fact that 58 percent of the more than 8,000 teachers hired during the 1999-2000 school year lacked certification—suggests that New York City's problems attracting qualified teachers are increasing and are likely to continue to do so in the future unless substantial additional resources are dedicated to this issue.

New York's important and dynamic drive to raise standards, as well as its vital obligation to provide all its students with the opportunity for a sound basic education, will be thwarted without teachers qualified to bring high standards to all students. To meet these goals, this report will show, New York must commit to a significant investment of added resources to fund teacher salaries, improve their working conditions, and increase teacher professional development, all of which are needed to achieve the real improvement in teacher quality needed to give all students a chance to meet the state's mandated standards.

TEACHER QUALITY GREATLY AFFECTS STUDENT ACHIEVEMENT

Common sense tells us and research confirms that teacher quality, as measured by objective criteria like teacher certification, certification exam performance, experience, and knowledge of subject matter, affects student learning and achievement. This important relationship is reflected in the policies of the New York Regents and the state education department; it has been observed by superintendents and by state and city officials charged with educating New York's public school students; and it has now been recognized by the New York State Supreme Court in Justice Leland DeGrasse's decision in the landmark school funding lawsuit, *Campaign for Fiscal Equity v. the State of New York.*

In New York State, teacher quality and districts' abilities to staff schools with sufficient qualified teachers are now even more important. As the state has raised its expectations, standards, and requirements for student achievement, and as schools raise the stakes for meeting them, students more than ever depend on qualified teachers for their academic success and future prospects.

Education leaders, business leaders, and government officials from all over the nation have recognized the link between teacher quality and student achievement.[1] As Governor Pataki's 2000-01 Executive Budget states: "Teachers represent a key ingredient in effecting improved educational performance. Without an adequate supply of qualified teachers, our schools will have difficulty meeting the new higher learning

[1] National Education Summit, 1999 Action Statement, October 1, 1999, pp. 1-3.

standards."[2] Former state education commissioner Dr. Thomas Sobol testified at the CFE trial that a "child's success or lack of it in learning is probably more dependent . . . than anything else on how well-trained and effective teachers are."[3]

A New York State Education Department study on the importance of teachers' characteristics in student performance, which controlled for socioeconomic status and race, concluded: "[T]eacher qualifications such as experience, certification, and education do significantly influence learning as measured by the grade 3 PEP reading test."[4] At the trial of *CFE v. State*, Dr. Ronald Ferguson of the Kennedy School of Government at Harvard University, a nationally recognized urban education expert, testified that numerous academic studies support the conclusion that "the more proficient teachers are in their own academic skills, [the] better their ability to transmit that knowledge to students and to help students to reach higher levels of achievement."[5]

General dissatisfaction with the quality of New York State (and specifically New York City) teachers, as well as the recognition of the need to enable them to teach the new Learning Standards, led the Regents in 1996 to create the Regents Task Force on Teaching. Over a two-year period, the Task Force, comprised of members of the Board of Regents, considered voluminous research and other information and met with hundreds of members of the New York State educational community. Its work culminated in its July 1998 report, which concludes that (1) New York State "does not attract and keep enough of the best teachers where they are needed most," (2) "[n]ot enough teachers leave college prepared to ensure that New York's students reach higher standards," (3) "[n]ot enough teachers maintain the knowledge and skills

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[2] Governor George Pataki, 2000-2001 Executive Budget, January 11, 2000, p. 60.
[3] Trial testimony, *CFE v. State*, Sobol, pp. 1804:20-1805:3
[4] New York State Education Department, New York: The State of Learning. Report to the Governor and Legislature on the Educational Status of the State's Schools, February 1994, p. 54.

needed to teach to high standards throughout their careers," and (4) "[m]any school environments actively work against effective teaching and learning."[6] These problems are worst in New York City.

Indicators of Teacher Quality

As Justice DeGrasse found, research data make clear that teacher quality correlates with student achievement and can, to a significant degree, be assessed objectively. As measures of the quality of a teaching force, education experts look to certification status, performance on certification exams, experience, the quality of a teachers' undergraduate institution and the degree obtained. These are among the measures of teacher quality that Justice DeGrasse found probative.[7]

Certification Status. New York has created a system of state certification as part of its effort to provide qualified teachers to public school students. The Regents and the state education department have acknowledged the strong relationship between certification and qualifications.[8] While it is not absolutely impossible for an uncertified teacher to be a good teacher, it is rare. According to Randi Weingarten, president of the United Federation of Teachers, "you are a better teacher by and large if you walk in with your certification than if you don't. . . ."[9] Certification is one of the few assurances a school can have that a teacher has met a minimal set of requirements, but it by no means indicates that all such individuals are actually qualified to teach.[10]

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[5] Trial testimony, *CFE v. State*, Ferguson, pp. 5905:13-5906:2.
[6] New York State Education Department, New York's Commitment: Teaching to Higher Standards, July 1998, p. 2.
[7] *CFE v. State*, 719 N.Y.S. 2d 475 (Supreme Court, New York County, January 9, 2001).
[8] Trial testimony, *CFE v. State*, Garner, pp. 3495:17-3496:3.
[9] Trial testimony, *CFE v. State*, Weingarten, pp. 2748:13-2749:7.
[10] Trial testimony, *CFE v. State*, Coppin, p. 665:7-19; Ward, p. 3220:8-19; DeStefano, pp. 5411:17-5412:12; Rosa, pp. 11107:8-12, 12229:6-25.

Out of necessity, the Regents in the past have issued temporary licenses or waivers to allow uncertified teachers to fill what would otherwise be vacant teaching slots. The Regents have, however, recently instituted a policy requiring all teachers to be certified by 2003. As an interim step in reaching this goal, the Regents required, effective at the start of the 1999-2000 school year, that all new teachers hired into SURR (Schools Under Registration Review) schools be certified—a requirement that the New York City school system was not able to meet.

At the same time that the Regents are changing policies to decrease the number of uncertified teachers in the schools, they are also raising what they have found to be insufficient standards in the current certification requirements. Under the new requirements, teachers will need more schooling, more experience, more mentoring, more content area study, and more ongoing professional development. Raising the requirements is necessary to ensure that teachers are prepared to teach the new standards to New York State students. However, New York City lacks an adequate supply of teachers certified under the current system, and it will likely have an even greater difficulty recruiting certified teachers under the new, more rigorous system.

Certification Examination Performance. It is generally recognized that teacher quality is correlated to a teacher's general knowledge and literacy. The current test used to measure the knowledge of teachers in New York State is the New York State Liberal Arts and Science Test (LAST). This examination is now required for all teachers and tests very basic general knowledge that any college sophomore should have.

Statistical studies offer direct proof of the strong relationship between teacher performance on certification examinations and the academic performance of students of those teachers. One such study by Ronald Ferguson concerned the Texas teaching force

during the 1980s, when all Texas teachers were required to take a common certification examination within a short period of time. Ferguson's study used a database that covered two million children, 900 out of the state's 1,000 school districts, and more than 200,000 teachers. Ferguson analyzed what happens over time when school districts of varying average performance levels are exposed to teachers with varying levels of qualifications. He found that highly qualified teachers could raise the scores of poor performing districts while less qualified teachers could hurt the scores of highly performing districts.

Ferguson analyzed the relationship between teacher test scores and student test scores in four categories of school districts: one in which the students in the early grades had very high math test scores and the teachers in the schools had scored high on the certification test; one in which the students in the early grades had very high math test scores and the teachers in the schools had scored low on the certification test; one in which the students in the early grades had very low math scores and the teachers had high certification scores; and one in which the students in the early grades had very low math scores and the teacher had low certification scores. Ferguson's experiment demonstrated that regardless of the scores of the students in lower grades, the scores of the students in higher grades were most directly related to the scores of the teachers in these school districts on certificate examinations. Beyond this, all his Texas data demonstrated a strong positive relationship between teacher quality as measured by teacher certification test scores and student achievement.[11]

Experience Level. Classroom experience, at least during the first several years of teaching, is also highly correlated with teacher quality. Teachers with fewer than two or three years of experience are substantially less effective than their more experienced

[11] Trial testimony, *CFE v. State*, Ferguson, pp. 5910:22-5911:22.

counterparts. Linda Darling-Hammond, a nationally recognized education researcher,[12] testified that many quantitative studies have shown that "teachers do become more effective during their initial years of experience; teachers with less than three years of experience tend to be less effective than teachers who have somewhere in the range of three to five years experience."[13] Likewise, Doris Garner, Supervisor of Academic Review for the state education department, explained that turnover rates are indicative of teacher quality because "[i]f you have a high turnover rate for teachers, that means the students are being exposed to the new [less experienced] teachers frequently."[14] It is no surprise, therefore, that the evidence shows that districts with higher turnover rates tend to produce lower student test scores than those with less turnover.

Teachers' Undergraduate Institutions. Many studies have confirmed the relationship between the quality and selectivity of a teacher's undergraduate institution and the effectiveness of the teacher as measured by student performance.[15] Concerns over the quality of New York State teacher education programs have prompted the Regents to adopt Regents Task Force on Teaching recommendations to raise the requirements for these programs. Under the new requirements, the programs of instruction in the teaching institutions will come under review by the New York State Education Department; institutions will be required to demonstrate an 80 percent passage rate on state certification examinations among the individuals who satisfy the requirements of their teaching programs; and teaching programs will have to achieve and maintain accreditation.

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[12] Dr. Darling-Hammond is currently the Charles E. Ducommun Professor of Education at Stanford University. She has also been the Executive Director of the National Commission on Teaching and America's Future and the president of the American Education Research Association.
[13] Trial testimony, *CFE v. State*, Darling-Hammond, pp. 6349:176-6350:10.
[14] Trial testimony, *CFE v. State*, Garner, pp. 3492:20-3493:14.
[15] Trial testimony, *CFE v. State*, Podgursky, p. 17637:16-25.

Education Level. Teacher attainment of a master's degree is an additional characteristic that has been associated with teacher quality.[16] In fact, in recognition of the importance of a teacher pursuing a master's degree, earning such a degree has long been a component of the permanent certification requirements in New York State and will be a requirement of the more senior professional certificate under the new certification system.

[16] Lankford, pp. 3877:7-3879:15; Podgursky 17584:7-17585:23.

NEW YORK CITY EMPLOYS MANY UNQUALIFIED TEACHERS

New York's teacher quality problem is particularly acute in New York City. Justice DeGrasse writes in the CFE decision that "there are many excellent and dedicated teachers employed in New York City public schools—many of whom foster learning under extremely adverse conditions. It is not hyperbolic to describe some New York City public school teachers as heroes." But, he goes on, "there are too many ill-trained and inexperienced teachers to meet the difficult challenges presented in the New York City public schools."[17]

The city public schools are staffed with some of the worst teachers in the state. Too many New York City teachers are simply not qualified to teach any students, much less the many at-risk students in the city schools. This sad fact is confirmed by repeated observations by superintendents and other state and city officials, by statistical analyses of objective measures of teacher quality, including certification status, certification test scores, subject matter knowledge, experience, turnover, quality of educational institution attended, and educational level. On all these objective criteria, New York City's teaching force overall compares poorly with teachers elsewhere in the state.

Superintendents and Other Teaching Experts Confirm That Many City Teachers Are Not Prepared to Teach

Some of the most disheartening evidence presented at the CFE trial was the testimony of numerous witnesses who described in detail a New York City teaching

[17] *CFE v. State*, 719 N.Y.S. 2d 475 (Supreme Court, New York County, January 9, 2001).

force that is largely unqualified to teach the city's children, a pervasive inadequacy that is compounded by the demands of the new standards-based curriculum. Experts such as Linda Darling-Hammond testified that large numbers of teachers are "utterly unprepared" to teach effectively. Similarly, Doris Garner presented evidence that New York City teachers are among the least prepared in the state. Superintendents also presented compelling evidence of this critical problem at the heart of the school system based on their day-to-day observations in their districts. [18]

Further evidence of the lack of qualifications of New York City teachers came from John Murphy, an expert for the State, who visited 56 classrooms in five New York City public schools. Based on this experience, Murphy, who usually rates teachers from below average to average to above average to excellent, in a draft version of his report added a new category of teacher quality solely for New York City: "terrible."[19]

Data Confirm That Many City Teachers Are Not Qualified

For the CFE trial, Hamilton Lankford, a professor of economics and public policy at the State University of New York at Albany, conducted a detailed descriptive statistical analysis of the New York State and New York City teaching forces.[20] The report contains data pertaining to all of the comparative objective measures of teacher quality commonly used by the education community. The study shows that city teachers consistently compare unfavorably with teachers in the rest of New York State on every measure of comparison.

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[18] Trial testimony, *CFE v. State*, Coppin, p. 664:15-19; Chin, p. 4925:15-18; Cashin, pp. 321:17-322:20; Young, p. 12871:15-17.
[19] Trial testimony, *CFE v. State*, Murphy, pp. 17439:12-17441:12.
[20] Hamilton Lankford, A Descriptive Analysis of the New York State and New York City Teaching Force, 1999.

Fewer City Teachers Are Certified

According to Lankford's study, an alarmingly high percentage of New York City teachers lack state certification. The number of city teachers lacking certification is unacceptably high both as an absolute number and as compared with elsewhere in the state. During the 1997-98 school year, the most recent year for which state-compiled data were available at the trial, 13.7 percent of New York City teachers were not certified in any subject, as compared with only 3.3 percent in the rest of the state and 2.9 percent in the New York City suburbs (Nassau, Suffolk, Westchester, and Rockland counties). In addition, for the 1997-98 school year, 17 percent of New York City's teachers taught more than 20 percent of their time in a subject in which they lacked state certification, as compared with 5 percent in the state's "suburban" districts, 6 percent in the State's "rural" districts, and an overall statewide figure (including New York City) of 9 percent. During the 1997-98 school year, 11.8 percent of New York City's public school teachers were uncertified. By October 1999, the number had risen to 10,000 individuals, or approximately 13 percent of the teaching force.

City Teachers Have Less Teaching Experience

New York City teachers are on average much less experienced than teachers elsewhere in the state. According to Lankford's statistics, in 1997-98, 5.2 percent of the teachers in the city's public schools had no experience whatsoever, as compared with 2.9 percent of the teachers in the rest of the state and 3.0 percent of the teachers in the New York City suburbs. Nearly 15 percent of the city's public school teaching force had two or fewer years of experience, as compared with 9.7 percent in the rest of the state and 10.2 percent in the New York City suburbs. These differences among areas of the state continue as different experience levels are examined, with New York City consistently having more inexperienced teachers than districts elsewhere in the state.

Given the high percentage of inexperienced teachers in New York City as compared with the rest of the state and the New York City suburbs, it is not surprising that New York City public schools have a much higher turnover rate than elsewhere. Between 1996-97 and 1997-98, New York City had a teacher turnover rate of 14 percent, as compared with 9 percent in suburban districts and an overall turnover rate of 10 percent statewide (including New York City).[21] A study conducted by the Board of Education Division of Human Resources during the 1997-98 school year showed that 53 percent of the teachers hired in 1991-92 were no longer teaching in the New York City schools six years later.[22] Significantly, the study also demonstrated that uncertified teachers are most likely to leave the profession, while fully licensed or certified teachers are most likely to remain in teaching. System-wide, the teachers who work in the most needy schools are most likely to transfer or quit teaching.[23]

City Teachers Perform Worse on Certification Examinations

The inferiority and inadequacy of New York City's public school teachers is best demonstrated through an analysis of their scores on the various basic tests they are required to pass to obtain state certification. The failure rate of New York City teachers on these competency tests—exceeding 30 percent on the most basic of the required examinations (the LAST)—demonstrates beyond doubt that many of the teachers in the New York City public schools are not qualified to teach.

The following table shows test score statistics from Dr. Hamilton Lankford's study of all those teachers who took the certification exams and who started teaching in

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[21] New York State Education Department, New York: The State of Learning. Report to the Governor and Legislature on the Educational Status of the State's Schools, April 1999, pp. 3, 66.
[22] New York City Board of Education, Attrition Patterns for Cohorts by Status of New Hires ORPAL (from 1991-2 to 1997-8), p. 1.
[23] Lankford, A Descriptive Analysis, p. 135.

New York State between 1992 and 1997. Lankford compared New York City teachers' scores on various required tests with the scores of teachers from elsewhere in the state.[24]

Test	Failure Rate* of NYC Teachers	Failure Rate of Teachers Outside NYC	Failure Rate of Teachers in NYC Suburbs
LAST	31.1 percent	4.7 percent	5.9 percent
Elementary ATS	26.9 percent	3.0 percent	3.8 percent
Secondary ATS	25.7 percent	3.5 percent	4.6 percent
NTE - Communication Skills	23.7 percent	4.9 percent	5.3 percent
NTE - General Knowledge	29.0 percent	7.8 percent	9.9 percent
NTE - Professional Knowledge	20.0 percent	3.7 percent	4.8 percent
Math Content Specialty Test—NYSTCE	47.3 percent	21.1 percent	23.1 percent

*Failed one time or more before eventually passing the exam and obtaining certification.

New York City teachers' failure rate on subject matter exams was even higher than on the above tests of general and pedagogical knowledge. As the table above shows, Lankford found that 47.3 percent of New York City teachers who had taken the math content examination failed it. He also documented a 42.4 percent failure rate in teachers who were actually teaching math in the New York City public schools.[25]

[24] Trial testimony, *CFE v. State*, Lankford, pp. 3886:6-12; 4558:14-23; 4559:7-17.

[25] Trial testimony, *CFE v. State*, Lankford, p. 3937: 11-22.

Uncertified teachers in New York City fail the certification examinations at a higher rate than teachers elsewhere in the state. Of those teachers who failed their certification exams the first time they took them, a substantially higher percentage of New York City teachers never pass them as compared with teachers elsewhere in the state. Even those city teachers who do pass the certification exams do so with significantly lower scores than teachers elsewhere in the state.[26]

City Teachers Attended Less Competitive Undergraduate Institutions

The average New York City teacher attended a less competitive college than the average teacher elsewhere in the state as measured by Barron's ranking of colleges, average SAT scores, and grades of high school seniors who attend the college, and average certification exam scores of the students from the colleges who teach anywhere else in New York State. Moreover, New York City tends to hire students from the bottom of the college classes from which it recruits. [27]

City Teachers Have Less Education Above a Bachelor's Degree

As measured by the percentage of teachers with at least a master's degree, New York City again compares unfavorably with teachers elsewhere in the state. In 1997-98, 16 percent of New York City teachers held only a bachelor's degree or less, as compared with 10.9 percent of teachers in the rest of the state and 8.6 percent of teachers in the New York City suburbs.[28]

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[26] Trial testimony, *CFE v. State*, Lankford, pp. 4546:7-4549:13.
[27] Lankford, A Descriptive Analysis.
[28] Trial testimony, *CFE v. State*, Podgursky p. 17645:13-70.

POOR AND MINORITY STUDENTS RECEIVE THE WORST TEACHERS

The New York State and New York City teacher quality problems identified above become even more pronounced when the socioeconomic status and race of students is considered. As Justice DeGrasse stressed, within New York City, the poorest and most needy students are assigned the least qualified and most inexperienced teachers.[29] Within New York State as a whole, African American and Latino students are taught by the worst teachers.[30] These poor and minority students are, of course, the students who are most hurt by exposure to low quality teaching.

As part of his analysis of the relationship between the need/poverty of students and the quality of their teachers, Lankford created a five-category need index, or quintile range, based on a mathematical formula that took into account both the poverty of the students (as measured by the percentage receiving free or reduced lunch) and the percentage of the students who have limited English proficiency. He found that the most academically needy students lived in New York City and that most of the students who lived in New York City were very academically needy. Focusing on New York City, Lankford divided the city schools into five equal quintiles based upon these measures of student need.

Using these quintiles, Lankford then examined each of the objective measures of teacher quality he had initially used to compare New York City teachers with teachers

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[29] *CFE v. State*, 719 N.Y.S. 2d 475 (Supreme Court, New York County, January 9, 2001).
[30] New York Board of Regents, How Can We Ensure Students Reach Higher Standards? Proposal on School Aid for School Year 1999-2000 and Beyond, December 7, 1998, pp. 9-10.

elsewhere in the state. For virtually every measure, Lankford found that (1) the most needy New York City students were given the worst teachers; and (2) the quality of the teachers serving the top quintile of city students still compared unfavorably with the teachers elsewhere in the state. The same patterns, the worst teachers going to the neediest New York City children while the teachers in the rest of the state are superior to the teachers in each of New York City's needs quintiles, emerge with respect to certification status, scores on certification examinations, experience, novice teachers, educational attainment, and (to a somewhat more limited extent) college quality.

Using a similar methodology, Lankford also presented data demonstrating that African-American and Latino students are taught by some of the least qualified teachers in the state. This difference appears both within New York City and in the rest of the state. (New York State and New York City teachers are not, of course, assigned to teach students of only one race; Lankford's analysis used averages and other statistical techniques to look at the teaching force from the perspective of a child of one or another race.) For example, while white students in New York City saw, on average, an uncertified teacher rate of 8.5 percent, African American and Latino students within the city saw an uncertified average of 14.8 percent. Although the overall percentages were smaller in the rest of the state, the relationship was the same: rest of state white students saw an average uncertified teacher rate of 2.8 percent compared with rest of state African Americans who saw an average uncertified teacher rate of 4.6 percent. Analyses of certification examinations according to racial breakdown of students revealed similar patterns, as did analyses conducted with respect to race and experience, educational attainment above a bachelor's degree, novice teachers, and college selectivity.

RECRUITING AND RETAINING QUALITY TEACHERS REQUIRES MORE RESOURCES

The quality of the teacher pool in New York City and other high need districts around the state will not improve until more resources are made available for substantially increased teacher salaries and to improve working conditions. Without additional funds, these public schools simply cannot compete with surrounding areas, their immediate competition. New York City's particularly dire problems in attracting and retaining quality teachers will not simply be alleviated, as the State has claimed, by improved recruiting strategies, many of which have already been implemented. In the immediate future, New York City's problems recruiting quality teachers are likely to increase as tens of thousands of experienced New York City teachers approach retirement and the Board of Education is forced to hire as many as 14,000 new teachers per year.

The City Competes with Wealthier Suburbs for Qualified Teachers

New York City competes in a common labor market for teachers and other college-educated individuals with Westchester, Nassau, Suffolk, Rockland, and, to a lesser degree, Orange and Putnam counties.[31] This would not be a problem if New York City were able to attract its required number of qualified teachers each year. However, New York City consistently loses out to the suburbs in hiring and retaining quality teachers.

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[31] New York State Education Department, New York: The State of Learning. A Report to the Governor and Legislature on the Educational Status of the State's Schools, April 1999, p. vi; trial testimony, *CFE v. State*, Tames

Substantial anecdotal evidence presented by superintendents and others suggests that better teachers rarely take jobs in New York City and that those who do are often lured away by the suburbs within a few years. For example, then-Superintendent Elaine Fink testified that teacher retention is an ever-increasing problem in District 2: "It used to be that the outlying suburbs took our teachers after five years, six years, seven years. Last year we had an onslaught of teachers leaving to go to the suburbs after three years."[32] Just prior to his testimony in the CFE case, then-District 15 superintendent Francis DeStefano interviewed a teacher who was leaving to take a teaching job in the suburbs for a full $20,000 a year more than her city salary. Likewise, Caryl Cohen, the Board of Education's Deputy Executive Director of the Office of Educational Staff Recruitment, testified that New York City has the highest teacher turnover rate in the state, with many teachers leaving for more lucrative jobs in the surrounding suburbs.

An examination of state data supports the anecdotal evidence that initial hiring decisions favor the suburbs and that the suburbs are hiring away meaningful numbers of New York City's best young teachers. Lankford's study of New York State and New York City teacher characteristics also supports the general conclusion that the city is unable to hire and retain the quality teachers available to the suburbs and the rest of the state. Lankford also conducted a more focused analysis that looked at where teachers' live, where they work, and their quantitative qualifications, using his statistics for the New York City/suburban teacher market. Based on this analysis, Lankford found that of the teachers who live in New York City, on average, the higher-quality teachers commute to the suburbs while, on average, the lower-quality teachers stay in New York City to work. Similarly, of the teachers who live in the suburbs, on average, the higher-

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3002:4-11; Cohen 3600:22-3601:3; Hanushek 16021:1923; Report of the Regents Task Force on Teacher Recruitment, Selection, and Retention, March 3, 1999, pp. 8, 10

[32] Trial testimony, *CFE v. State*, Fink, p. 7822: 11-24.

quality teachers stay in the suburbs to teach while, on average, the lower-quality teachers commute to New York City where they are able to obtain jobs.

Statistical evidence confirms that high-quality teachers leave New York City for the suburbs—as many as 400 experienced city teachers each year.[33] This exodus amounts to as much as 5 percent of the New York City teaching force over ten years and as much as 11 percent of the suburbs' hiring needs every year. Only a small number of teachers, as few as one for every seven who leave the city for the suburbs, transfer from the suburbs to New York City.[34]

Inferior Salaries and Undesirable Working Conditions Hamper New York City

Salary is consistently identified in official reports of the state and Board of Education, as well as by those charged with hiring New York City teachers, as the primary reason qualified teachers choose to work in suburban rather than in New York City schools. The preface to the 1999 655 Report, which was signed by both Regents Chancellor Carl Hayden and State Education Commissioner Richard Mills, attributes New York City's academic problems to its inability to compete with the suburbs on teacher salary: "New York City must compete for teachers with suburban districts whose average teacher salary exceeds the City's by 36 percent."[35] The 1999 Report of the New York City Task Force on Teacher Recruitment, Selection and Retention, a Task Force consisting of representatives from the Board of Education, CUNY, the teachers' union, the principals' union, and private industry, listed "creating a competitive system" as its first recommendation to improve the quality of New York City teachers.[36]

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[33] Trial testimony, *CFE v. State*, Podgursky, p. 17708:3-7.
[34] Trial testimony, *CFE v. State*, Lankford, pp. 3993:4-3994:14.
[35] New York State Education Department, New York: The State of Learning, April 1999, p. vi.
[36] Report of the Regents Task Force on Teacher Recruitment, Selection, and Retention, March 3, 1999, pp. 7,10.

State and Board of Education officials and publications quantify the difference in teacher salaries between New York City and the suburbs as ranging from 36 percent to 28 percent to 20 percent.[37] (The range on these figures arises from differences in both the experience levels of the teachers being compared as well as the suburbs included in the comparisons.)

Lankford compared teacher salaries in New York City with those in the surrounding suburbs at multiple levels of experience. Depending on education level, starting teachers earn from $4,351 (12.8 percent difference) more annually (in Suffolk County) to $12,866 (33.8 percent difference) more (in Nassau). As teachers gain experience, the difference between the suburbs and New York City increases even further. Over a career of teaching, these differences add up to hundreds of thousands of dollars for each teacher.[38]

In addition to salary, New York City's problems recruiting qualified teachers can be traced to the relatively difficult working conditions in the New York City schools, including large class sizes, deteriorating facilities, and safety concerns, as well as the lack of meaningful professional development. The very same factors that interfere with effective learning in New York City also combine to make teaching in New York City less attractive.

The cost of raising teacher salaries to a level where they will begin to compete with the salaries offered in the surrounding suburban communities will be significant. The simplest method for determining this cost is to multiply the difference between the average suburban salary and the average New York City salary (approximately $15,000)

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[37] New York State Education Department, New York: The State of Learning, April 1999, p. vi; Report of the Regents Task Force on Teacher Recruitment, Selection, and Retention, March 3, 1999, p. 4; trial testimony, *CFE v. State*, Cohen 3601:4-10.

by the approximately 75,000 teachers in the New York City system, yielding an estimated cost (without benefits) of $1.125 billion annually. Bear in mind, however, that education finance expert Dr. Henry Levin, a professor at Teachers College, Columbia University, stated at the trial that New York City's less attractive working conditions would require salaries to be increased above salaries in the suburbs to become competitive.[39]

Justice DeGrasse's examination of the evidence led him to conclude that "given lower salaries and often difficult working conditions, the Board of Education (BOE) has done an adequate job in recruiting new teachers. [Since 1997] it has . . . engaged in a number of initiatives designed to attract new teachers to its schools. The problem is not BOE's sales pitch, but its product."[40]

The City's Problems Attracting Qualified Teachers Are Likely to Worsen

The failure of New York City to attract and retain qualified teachers is likely to worsen in the foreseeable future unless additional resources are dedicated to the area of teacher recruitment and retention. New York City will soon see an increase in the number of uncertified teachers for a number of reasons. First, new programs have been mandated that require additional staff: universal pre-kindergarten, early childhood class-size reduction, and reintroduction of arts into the classrooms. Second, the Regents Task Force on Teaching created new state regulations that raise the requirements placed on certified teachers to help ensure that the New York State teaching force is prepared to teach the new standards to their students. Third, the number of certified teachers graduated each year by the state's colleges is limited. The Board of Education has been working in recent years with state and city colleges to tap all available sources of state

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[38] Lankford, A Descriptive Analysis, pp. 164-7.
[39] Trial testimony, *CFE v. State*, Levin, pp. 12151:2-12151:6.
[40] *CFE v. State*, 719 N.Y.S. 2d 475 (Supreme Court, New York County, January 9, 2001).

certified teachers, but is unlikely to see further increased benefits from these sources in the future.

Finally, large numbers of current teachers will be retiring shortly, creating a drastic increase in New York City's hiring needs. The Board of Education's projections for hiring needs for the years 1999-2000 through 2003-04 anticipate a need for between 41,405 and 54,113 new teachers—between 8,000 and 14,000 teachers. These figures are higher than the average number of teachers hired in any recent year. In fact, between the 1993-94 and 1999-2000 school years (seven years), the New York City system hired 43,335 teachers or an average of 6,191 teachers a year.

New York City Teachers Lack Essentials to Perform Their Jobs Effectively

Even were New York City able to fill its teacher ranks with qualified individuals, its students would still suffer because the New York City Board of Education lacks the funds necessary to enable its teachers to perform their jobs properly. Specifically, New York City teachers lack the quality facilities, books, acceptable class sizes, and other essentials of learning necessary to function effectively in the classroom. The very same omissions in the New York City system that directly affect New York City students and block their access to a sound basic education hamper their teachers' efforts to perform adequately. In addition, the New York City school system lacks sufficient resources for the professional development and mentoring of its overwhelming number of uncertified and inexperienced teachers.

Improving the quality of education in New York City requires more than employing quality teachers. As former chancellor Ramon Cortines put it, "If we want students to learn, there must be more than teachers in front of classrooms. There also must be school staff to supervise and support their efforts. There must be sufficient

textbooks and classroom supplies, etc."[41] The evidence presented at trial conclusively demonstrates that the New York City school system is severely lacking in almost all of the elements recognized as essential to a school environment that is conducive to effective learning.

Explicitly acknowledging the poor working conditions and their impact on the quality of teaching, the Regents Task Force on Teaching recommended targeting state funds to the "repair or replacement of decaying schools so that all students have adequate buildings in which to learn" and expanding programs to "decrease class size, support learning technology, make schools safer, teach very young children through pre-kindergarten, and focus resources on students who are most at risk."[42] The Task Force also advocated "legislative initiatives . . . to help improve teacher recruitment and retention," and pledged to "reexamine all requirements for school administrators to guarantee effective school leadership."[43] The report of the Task Force explicitly sets out the prerequisites for effective teaching, as well as recognizes their absence in the New York City school system.

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[41] The Chancellor's Budget Estimate, 1995-6, NYC Board of Education, p. 8.
[42] Regents Task Force on Teaching, Teaching to Higher Standards: New York's Commitment, July 13 1998, p. 32.
[43] Ibid.

CITY TEACHERS LACK ADEQUATE PROFESSIONAL DEVELOPMENT

Given the inadequacies of the New York City teaching force, as demonstrated by their inexperience, lack of state certification, poor test scores, and poor classroom performance, there is no question that these teachers require substantial in-service training and education, particularly in the context of the implementation of new higher learning standards. The training and education currently provided in most New York City public school districts are not adequate to meet this need. In particular, New York City teachers are not receiving adequate amounts of the ongoing, intensive, school-based professional development that has the greatest impact on teacher effectiveness.

The inadequacy of professional development in the school system, combined with the already poor quality of its teachers, has severe consequences: students cannot achieve basic literacy and math skills when taught by unqualified teachers who do not receive the essential training they need to develop and implement a curriculum and to address the needs of the hundreds of thousands of at-risk students in the city's public schools. Students cannot learn about science and the arts if their own teachers are not proficient in those disciplines. Ill-prepared teachers have a profound affect on the entire curriculum. Qualified teachers with appropriate professional development are critical to providing students with the opportunity for a sound basic education.

Effective Professional Development Is Critical to Effective Teaching

Professional staff training, commonly known as staff or professional development, includes teaching basic everyday teacher responsibilities such as classroom management, discipline, and lesson planning; training to keep staff knowledgeable in specific subjects; and teaching of instructional strategies. Effective professional development can improve student performance significantly. In 1997, the National Commission on Teaching and America's Future (NCTAF)—an independent commission that included governors, U.S. senators, CEOs of major public corporations, and prominent academics, which reviewed over 200 studies regarding student learning, held hearings, and made school visits—reported that studies show students performed better when they taught by teachers who had participated in sustained professional development or intensive curriculum-based professional development.[44] Linda Darling-Hammond, then executive director of the NCTAF, testified at the CFE trial that a large body of research has shown that students taught by teachers who have been trained in proper teaching techniques tend to perform better than students who have not been taught by such teachers.

All Teachers Need Professional Development

Professional development is critical for all teachers. In "A New Compact for Learning," the Regents specifically stated that to be effective *all* teachers must enjoy "opportunities for professional growth and development."[45] In 1998, the Regents Task Force on Teaching echoed this view, stating that achieving the goal of an educational system in which "competent professionals enable all of our students to master the knowledge and skills they will need to be successful in the next century" will require that "[a]ll teachers regularly participate in professional development linked to the

[44] National Commission on Teaching and America's Future, Doing What Matters Most: Investing in Quality Teaching, November 1997, p. 11.
[45] New York State Education Department, A New Compact for Learning, November 1991, p. 8.

learning needs of their students."[46] The Regents recently required that all teachers participate in a minimum of 175 hours of professional development every five years in order to remain certified.

New teachers need substantial support, both to learn basics, such as how to organize a classroom, handle discipline, and develop a lesson plan, as well as how to become more proficient in their subject areas and in instructional strategies. CFE's expert Norman Fruchter testified at the trial that for many new teachers, especially those lacking certification, without help they likely to be "overwhelmed" by the task of trying to meet the educational needs of their students. Training is also required because of deficiencies in their teacher education programs. Experienced teachers cease improving their skills unless they receive ongoing professional development.[47]

For both new and experienced teachers the implementation of higher standards and graduation requirements has greatly increased the need for, and importance of, professional development. All teachers must be trained in the new skills and information students will be expected to learn. The new Regents Learning Standards also make it more important than ever that teachers are trained to teach under-prepared and academically weak students.

The new standards will also require significant changes in the curriculum. A curriculum is a course of study, and includes specific content, appropriate teaching materials, and instructional strategies. Neither the State Learning Standards nor the City Performance Standards constitute a curriculum. They do not identify the instructional materials or lesson plans teachers must use to teach the standards they set out. In a system such as New York's, curriculum is best developed at the local level by

[46] Regents Task Force on Teaching, Teaching to Higher Standards, p. 3.

teachers and principals. But to create a curriculum aligned with the standards, a teacher must have expertise in implementing performance-based instruction, be capable of determining what students should learn, and be able to develop and implement effective teaching strategies. All of these require professional development designed to demonstrate effective standards teaching in a classroom setting for teachers who are not well prepared either with the necessary content knowledge or expertise in developing curricula.

City Teachers Need Significant Additional Professional Development to Address Students' Extraordinary Needs

While experienced, effective teachers throughout the state need ongoing professional development, the need for professional development is particularly acute in New York City because of the extraordinary needs of the students. A tremendous number of New York City students live under conditions that impede learning. Teaching these students effectively requires knowledge of instructional strategies that have proven successful with at-risk students, as well as the ability to identify and address their individual needs. [48]

New York City's Current Professional Development Is Inadequate

The state education department and the Regents have recognized the problem of inadequate professional development and its impact on low-performing schools. The Central Board admits that professional development offerings are insufficient and has tried to obtain additional funds to supplement its programs. Also, numerous superintendents testified at the CFE trial that the professional development available in their districts is unable to meet the needs of their teaching staffs. Justice DeGrasse

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[47] Trial testimony, *CFE v. State*, Darling-Hammond, pp. 6349:5-6350:30.
[48] Trial testimony, *CFE v. State*, Ashdown, p. 21287:15-25.

considered such testimony and evidence from New York education professionals and agreed with them that "the professional development currently being provided to New York City public school teachers is inadequate, particularly given the number of at risk students that attend the City's public schools."[49]

Not only is professional development in the city schools inadequate in general, it is inadequate at every level and in virtually every specific area in which it is needed. Thus, there is inadequate professional development at the Central Board level, as well as for math and science teachers, for English language learner teachers, for special education teachers, for curriculum coordinators, and to instruct teachers in the use of classroom technology. At the CFE trial, New York City superintendents testified at length about the significant unmet professional development needs in their districts. These needs ranged from basics, such as how to teach reading and writing and how to organize a math lesson, to content knowledge for math and science teachers, to teaching techniques and training in the new standards.

More Funding Is Needed for Professional Development

In the fiscal years 1997, 1998, and 1999, the Board of Education spent 1.5 percent, 1.1 percent, and 1.4 percent, respectively, of its budget on professional development. In the 1999-2000 school year, the chancellor requested an additional $34.1 million for needed professional development—$20 million of which was not funded.

Testimony from the trial established that a minimally adequate professional development program would require expenditures equal to, at the very least, 6 percent of the current total budget. Community School District 2 in Manhattan, recognized as a national model for urban education practices, spends approximately 6% of its total

[49] *CFE v. State*, 719 N.Y.S. 2d 475 (Supreme Court, New York County, January 9, 2001).

budget on professional development. To budget that much for professional development, the district is forced to barter services and to make cuts in other essential areas. District 2 schools must often do without sufficient school aides, school nurses, guidance counselors, and administrative support.

The shortage of professional development is not new. As far back as 1992, the Regents reported that state aid formulas were ineffective in part because they did not adequately support the provision of professional development that was needed to enable teachers, school staff, and parents to work in new ways.[50] Professional development is a necessary and powerful tool for improving teacher effectiveness, and thus student achievement. New York City teachers are not receiving anywhere near sufficient amounts of professional development, with predictable consequences for their morale and effectiveness. Substantial additional financial resources will be needed to remedy this critical problem.

[50] New York Board of Regents, Proposal on School Aid for 1993-4, December 17, 1992, attachment at p. 2.

CONCLUSION

In his decision in *CFE v. State*, Justice DeGrasse confirms that extensive research and expert testimony supports the conclusion that the dismal student performance in New York City and other high need areas around the state can, in large part, be accounted for by these students lack of access to qualified teachers. Decent teachers are essential to student achievement, but many New York classrooms, especially in the city, are staffed with teachers who are not certified, not experienced, and not even particularly well educated. Without qualified teachers for all students, New York's admirable goals of raising standards for its students and preparing its high school graduates to become productive, responsible citizens stand little hope of being realized.

Trial evidence and testimony demonstrated equally that good teachers cost money. Adequate funding is needed to provide resources for the competitive salaries, decent working conditions, and ongoing professional development that have been shown to attract and retain good teachers. Many New York cities and towns with the means have made this investment and can appreciate its value through its returns in student achievement. It is essential that New York State invest sufficiently in teacher quality so that students statewide can share these achievement results.

Campaign for Fiscal Equity, Inc.
6 East 43rd Street, 19th floor
New York, NY 10017
(212) 867-8455
cfeinfo@cfequity.org

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